

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Petition Filed by the National Association)	MM Docket No.04-160
Of Broadcasters Regarding Programming)	
Carried by Satellite Digital Audio Radio Services)		

REPLY COMMENTS OF SUSSQUEHANNA RADIO CO.
CONCERNING PROGRAMING CARRIED BY SATELITE
DOGITAL AUDIO RADIO SERVICES.

TO: The Commission:

Susquehanna Radio Corp. (Susquehanna) is a privately held company that has served the public as a radio broadcast licensee for sixty-two years. Susquehanna owns and operates eleven AM and twenty-three FM stations. Susquehanna supports the National Association of Broadcasters (NAB) Petition for Declaratory Ruling requesting that the commission insure that all satellite digital audio radio service (SDARS) providers remain a national-only service and refrain from broadcasting local content, specifically local traffic and weather.

**LOCAL TRAFIC AND WEATHER BROADCASTS ARE NOT NATIONAL
PROGRAMING SERVICES.**

The NAB request for declaratory ruling clearly shows that in authorizing these satellite programming services the commission intended satellite radio to be a ubiquitous national-only broadcast service and not a service to provide content aimed at local communities. This request also cites numerous documents filed in Docket: 95-91 in which both satellite licensees acknowledge that this new service will be a national-only service. In fact, in their seventeen-page opposition to this request, XM Radio and Sirius make no attempt to challenge NAB's assertion that these SDARS services were authorized as a national-only service.

In a maneuver to circumvent this national-only requirement, XM and Sirius argue that all of their local weather and traffic broadcasts are national broadcasts simply because they are capable of being received anywhere in the United States. They ignore the fact that this information is designed to be, and in fact is, of interest only to those listeners in specific local communities. A person driving to work in Los Angeles simply has no interest in a traffic jam at 16th and K in Washington DC. No matter how XM and Sirius attempt to cloud the issue, a fender-bender on Market Street in San Francisco cannot be considered programming of national interest.

Regardless of what it is called, radio programming or ancillary services, local weather and local traffic reports are still local services and no twisting of words can ever make them national program services.

AM BROADCASTERS WILL SUFFER MOST

The commission has long recognized that the AM broadcasters provide special services to the community and has always been diligent in insuring the viability of this service. As radio approaches the digital age, the commission has shown great concern that this new technology should be available for both AM and FM.

In competing with FM and TV for both listeners and advertising dollars, AM broadcasting is, and has been for some time, at a distinct disadvantage. One of the few factors in its favor is AM radio's ability to attract listeners with local community news and information, particularly local traffic and local weather.

Susquehanna's audience research has shown over many years that AM radio is clearly perceived as the place to tune for the latest local traffic and local weather. The delivery of local traffic and weather as well as the related listener association of AM radio with these services provide a substantial foundation toward keeping AM radio a viable service.

Susquehanna does not fear fair competition and we believe most AM broadcasters, who survived the growth of both FM and TV, do not fear fair competition. What AM broadcasters do not want or need is the unfair competition that would result if SDARS operators were allowed to continue to provide local market-specific traffic and weather on a regular basis. This unfair competition, a clear circumvention of FCC intent, could result in a major loss of both listeners and advertising revenues for AM stations and threaten the very survival of this service.

CONCLUSION

For the reasons stated above, Susquehanna urges the commission to issue the Declaratory Ruling requested by NAB and insure that SDARS licensees do not deviate from the intended purpose of their service; the distribution of national-only programming. The future of AM broadcasting may depend on the commission's action in this matter.

Respectfully Submitted,

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